

SEP 01 2005

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Pages: Cover + 3 = 4

Date: September 1, 2005

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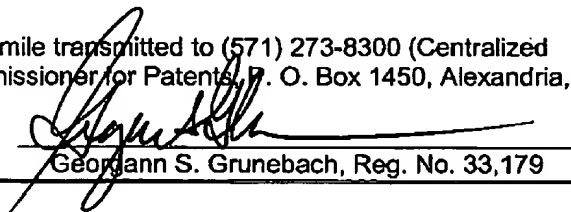
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Date: September 1, 2005


Georgann S. Grunebach, Reg. No. 33,179

Attention: Commissioner for Patents

Attorney Docket No. PD-990304

Please find attached Re:

Inventor: Armando Montalvo

Serial No.: 09/688,609

Filed: October 13, 2000

For: SYSTEM FOR SECURE COMMUNICATIONS

> Response to Non-Compliant Appeal Brief dated August 8, 2005

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CENTRAL FAX CENTER****SEP 01 2005****PATENT
Docket No. PD-990304****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Armano Montalvo

Serial No. 09/688,609

Group Art Unit: 2131

Filed: 10/13/2000

Examiner: Sherkat, Arezoo

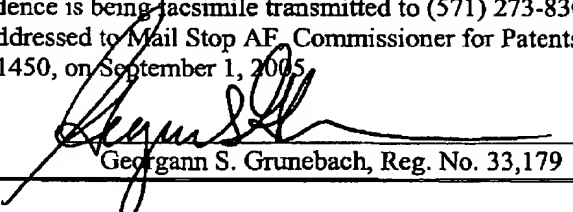
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Georgann S. Grunebach, Reg. No. 33,179**RESPONSE TO NON-COMPLIANT APPEAL BRIEF**

Mail Stop AF
Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits this Request for Reconsideration in response to the Non-Compliant Appeal Brief dated August 8, 2005.

Serial No. 09/688,609

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REMARKS

In the Notification of Non-compliant Appeal Brief of August 8, 2005, it is stated that the brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal. Applicant, respectfully, traverses. Applicant notes that the Appeal Brief on pages 2-4 provides a Summary of the Claimed Subject Matter as required under 37 C.F.R. 41.37.

The Notification states in item number 10 (explanation section) that the Appeal Brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the Appeal, referring to the specification by page and line number and to the drawings, by reference characters. Applicant traverses. Applicant submits that pages 2-4 of the Appeal Brief provide pages and line numbers for the matter covered in each of the claims under Appeal. Pages 2-4 of the Appeal Brief also provide numerical designators for each item recited in the claims, which have a corresponding number in one or more of the Figures. Applicant submits that each claim is mapped to the specification and drawings.


The Notification further states that a mere statement of "see patent application Figures 36 and 37 and related discussion" without an indication of which elements map to what claim limitation is insufficient. Applicant submits that no such statement exists in the Appeal Brief. This was expressed to Brendan Hoffman at the United States Patent and Trademark Office on August 22, 2005. Brendan agreed that there appears to be a mistake with regards to the Notification. The Notification appears to be directed to a different Appeal Brief than the Appeal Brief having Serial No. 09/688,609 currently in question.

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Applicant therefore submits that the Appeal Brief is in proper form and that it is ready for submittal to the Board of Patent Appeals and Interferences. Although the Applicant believes the case to be in a condition for allowance, should the Examiner feel otherwise, the Applicant earnestly solicit that the case be expeditiously forwarded to the Board for review. Should the Examiner have any questions or comments, he is respectfully requested to contact the undersigned attorney.

Respectfully submitted,


Georgann S. Grunebach
Reg. No. 33,179

Attorney for Applicant(s)

Date: September 1, 2005

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